

Great Brit. - Geo. II

[1]



A N
A C T
F O R

*Dividing and Inclosing certain common Fields
and common Meadows, and a common Hill
called Snowhill Hill, lying within the Manor
of Snowhill, in the County of Gloucester.*



Whereas there are lying and being within the Manor of ^{Preamble}
Snowhill, in the County of *Gloucester*, certain large
common Fields, commonly called or known by the se-
veral Names of *Rowden Field*, *Oathill Field*, *Thrusfle-*
bridge, the *Hitching*, and the Field above the *Hitching*,
containing together by Estimation about Five hundred
Acres ; and there is also lying within the said Manor cer-
tain common Grounds or Meadows, containing about Eighteen Acres ; and
also a large common Hill or Tract of waste Ground, called *Snowhill Hill*,
containing by Estimation One thousand One hundred Acres or thereabouts :

And whereas *Samuel Blackwell*, Esquire, is Lord of the Manor of
Snowhill aforesaid, and is (amongst other Things) seised in Fee of the
same Manor, and of all the Demesne Lands thereto belonging ; and is
seised of and intituled unto all the Great or Improprate Tythes, and also
all the Small Tythes, arising and renewing within and upon the said De-
mesne Lands ; and is also seised of and intituled to Two Thirds of the
Great Tythes of Corn and Grain arising and renewing within and upon
the customary Lands, lying within the said Manor ; and the Reverend
Robert Kirkham, Clerk, is Rector of the Parish and Parish Church of

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Staunton,

Staunton, with the Chapel of *Snowhill*, to the Rectory and Parish Church of *Staunton* annexed, and is seised of the Advowson, Right of Patronage, and Presentation, of and in the said Rectory, and, in Right of his said Rectory, is seised of certain Glebe Lands lying in the said common Fields, and intituled to the remaining Third-part of the said last-mentioned Great Tythes, as also to all the Vicarial or Small Tythes arising within, or payable for or in respect of, the said Lands and Premises (except for or in respect of the said Demefne Lands):

And whereas the said *Samuel Blackwell* and *Robert Kirkham*, together with the Right Honourable *Arthur* Lord Viscount *Sudley*, in the Kingdom of *Ireland*, the Honourable *John Boscowen*, Esquire, *James Harrison*, Clerk, *Thomas Shaylor*, and *Thomas Brevall*, are severally seised of, and are the Owners and Proprietors of all the said Lands and Grounds; and the said Proprietors, in respect of their said Lands, are intituled to, and do enjoy, Common of Pasture for their Sheep and other Cattle, in, over, and upon, all the said common Fields and Grounds, and the said Common or Waste called *Snowhill Hill* aforesaid, at certain Times in the Year, by a determinate Stint, exclusive of all other Persons whomsoever:

And whereas the several Lands and Grounds of the said Proprietors lie intermixed and dispersed in several small Parcels, and are most of them inconveniently situated with respect to the several Houses of the said Proprietors, and by Reason thereof sufficient Quantity of Manure and Compost cannot, without great Difficulty and Expence, be conveyed to the same, nor frequent Trespasses and Disputes among the several Proprietors and their Tenants be prevented; and so long as the said common Fields and Meadows lie open, commonable, and uninclosed, they produce but little Profit to the respective Proprietors and Owners thereof, and the same, as also the said Common or Waste called *Snowhill Hill*, in their present Situation, are incapable of Improvement:

And whereas the said *Samuel Blackwell*, *Robert Kirkham*, *Arthur* Lord Viscount *Sudley*, and other Owners and Proprietors of Lands, Grounds, and Tythes, lying and arising within the said common Fields and Meadows, and the said Common or Waste called *Snowhill Hill* aforesaid, are desirous that the said common Fields and Grounds may be exchanged, divided, and inclosed; and that the said Waste or common Hill may be divided and inclosed; and that specific Parts and Shares thereof may be assigned and allotted to and amongst the several Land-owners and Proprietors thereof respectively, in Severalty, in lieu of their respective Lands, Grounds, Meadows, Common Right, and Interests, in the said common Fields, Meadows, and common Hill, respectively, in the Manner, and subject to the Rules, Orders, and Directions, herein after inserted, provided, and declared, concerning the same:

But although such Division, Allotments, and Inclosure, will tend greatly to the Advantage of the several Parties concerned, and be a great Improvement

Improvement of their respective Properties and Interests in the said Premises; **Yet**, as the same cannot be effectually made and established without the Aid and Authority of Parliament,

May it please Your most Excellent MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said common Fields and Meadows, and all the Common, Arable, Meadow and Pasture Grounds, and commonable Lands, as also the said common Hill or Waste called *Snowhill Hill* aforesaid, and all other the commonable Lands and Grounds whatsoever, lying and being within the said Manor of *Snowhill*, shall, on or before the Twent-fifth Day of *March* One thousand Seven hundred and Sixty-two, be exchanged, divided, set out, and allotted, by *Robert Tracey* of *Stanway*, *Morgan Graves* of *Mickleton*, *Robert Martin* of *Pebworth*, and *Thomas Horde* of *Swell*, Esquires, *John Reynalds* of *Somerville-Aston* Clerk, *Thomas Brown* of *Salperton*, *Lewis Bradley* of *Wootton*, *John Lucas* of *Sudely*, *Henry Loveday* of *Painswicke*, *Peter Leversage* of *Lypiate*, *Robert Wise* of *Hanging-Aston*, *William Royer* of *Cutsden*, and *Thomas Freeman* of *Laverton*, Gentlemen, Commissioners appointed by this Act, and their Successors, or any Five or more of them, in the Manner, and subject to the Rules, Orders, and Directions, in and by this Act ordered, directed, established, prescribed, and appointed.

Lands to be divided.

And, for the more just and regular Division and Distribution of the Lands and Grounds so to be divided and allotted as aforesaid, and for better ascertaining the same, **It is hereby further Enacted and Declared**, by the Authority aforesaid, That a true and perfect Survey and Admeasurement shall be made of the said common Fields and Meadows, and of all the Common, Arable, Meadow, and Pasture Grounds, commonable Lands, Hades, Balks, and Tying Grass, comprized therein, as also of the said common Hill, or waste Ground, called *Snowhill Hill*, and all other the Premises, so directed and intended to be inclosed as aforesaid, some time before the Twenty-ninth Day of *September* One thousand Seven hundred and Sixty-one, or as soon after as the same can conveniently be done, by such Person or Persons as the said Commissioners, or any Five or more of them, shall for that Purpose nominate or appoint; and that such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Proprietor at the time of making such Survey, shall be therein set forth, ascertained, declared, specified, and described; and the said Survey, when made, shall be laid before the Commissioners or their Successors, or any Five or more of them, at all and every of their Meetings, to be then after had in pursuance of this Act.

Survey to be made.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any Five or more of them, shall

Commission-
ers to set out
the Lands.

shall have full Power and Authority, and they are hereby authorized and required, at any time or times after the said Survey shall have been made and laid before them as aforesaid, but before the said Twenty-fifth Day of March One thousand Seven hundred and Sixty-two, to divide, set out, ascertain, and allot, the said common Fields and Meadows, and all and every the Common Arable, Meadow, and Pasture Grounds, commonable Lands, Hades, Balks, and Tying Grass, comprized therein, as also the said common Hill, and waste Ground, called *Snowhill Hill*, and all other the Premises To be appointed to be surveyed as aforesaid, unto and amongst the several Persons who, at the time of making such Survey, shall be intitled unto any Lands, Grounds, Tythes, Right of Common, or other Property therein as aforesaid, so near as conveniently may be to their respective Dwellings, and in Proportion to their several and respective Shares and Interests, and Rights of Common, and other Properties, in and over the said common Fields and common Hill, and other the Premises, so directed to be divided as aforesaid, or any Part or Parts thereof; but subject nevertheless to the Rules, Orders, and Directions, in and by this Act prescribed, ordained, established, and appointed.

Against giv-
ing undue
Preference.

Provided always, and it is hereby Enacted and Declared, That nothing in this Act contained shall extend, or be construed to extend, to authorize and empower the said Commissioners or their Successors to give any undue Preference to any of the Parties interested and concerned in the said intended Division and Inclosure, in respect to their Allotments or Shares in the said common Fields and common Hill, and other the Premises directed and intended to be divided and inclosed as aforesaid; but that the said Commissioners or their Successors, in making their Allotments, shall have due regard to the Quality, Produce, Profit, Situation, and Convenience, as well as Quantity, of the Lands and Grounds of the several Parties to or for whom the same shall be assigned, allotted, or appointed.

Commission-
ers to exa-
mine upon
Oath.

Provided also, and it is hereby further Enacted, That if any Dispute or Difference shall arise between the Parties interested in the said intended Division or Inclosure, or any of them, touching or concerning the respective Shares, Rights, and Interests, which they, or any of them, now have, or claim to have, in the said common Fields, Meadows, and common Hill, or other the Premises, so intended to be inclosed as aforesaid, or the Tythes thereof, or touching the respective Shares and Proportions which they, or any of them, ought to have in and to the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners and their Successors, or any Five or more of them, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Five or more of them, are hereby authorized and empowered to administer), and upon other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and finally determine the same, and such Determination shall be binding and conclusive to all Persons whomsoever.

And

And be it further Enacted, That the said Commissioners or their Successors, or any Five or more of them, shall and do set out, allot, assign, and appoint, to and for the said *Samuel Blackwell* and his Heirs (over and above and exclusive of the Lands to be allotted to him in lieu of his Lands, bounds, and Right of Common, in and over the said common Fields, bounds, and Premises, so intended to be inclosed as aforesaid), such different and separate Plots, Parcels, and Quantities, of the Lands and Grounds directed to be divided as aforesaid, as, in the Judgment of the Commissioners making such Allotments, shall be deemed a full Equivalent and Compensation for the said Tythes, so due and payable, or belonging to him, out of the said common Fields and Premises, so intended to be inclosed as aforesaid, which said Allotment shall be made and taken out of the respective Lands now chargeable with or liable to the Payment of Tythes to the said *Samuel Blackwell* as aforesaid, or out of the respective Lands to be allotted in lieu thereof.

Allotment in lieu of Tythes.

And it is hereby further Enacted and Declared, That the said Commissioners and their Successors, or any Five or more of them, shall and may, and they are hereby authorized and required to set out, allot, assign, and appoint, to and for the said *Robert Kirkham* and his Successors, Rectors as aforesaid, such Plot or Plots, Parcel and Quantity of Ground, lying within the said common Fields and commonable Lands, so intended to be inclosed as aforesaid, as the said Commissioners, making such Allotment, shall think a full Equivalent and Compensation for the Glebe and of the said *Robert Kirkham*, now lying in the said common Fields, and for his Right of Common in, over, and upon, all the said Lands and Grounds, so intended to be inclosed as aforesaid.

Allotments in lieu of Glebe.

And whereas there are several ancient Messuages, Cottages, or Tenements, Orchards, and ancient Inclosures, or old inclosed Lands, within the said Manor of *Snowhill*, belonging to several of the Owners of Lands, and Persons intitled to Right of Common, in and upon the said common Fields, common Hill, and Premises, intended to be inclosed as aforesaid, and which, as well as the said Lands and Premises to be inclosed as aforesaid, are subject to the Payment of some Vicarial or Small Tythes to the said *Robert Kirkham*; Be it therefore further Enacted and Declared, That the said Commissioners and their Successors, or any Five or more of them, shall and do set out, allot, assign, and appoint, to and for the said *Robert Kirkham* and his Successors, Rectors as aforesaid, such Parts, Parcels, and Quantities, of the Lands and Grounds which, in pursuance of this Act, shall be allotted to the respective Owners and Proprietors of the Lands and Grounds in the said common Fields and Premises so intended to be inclosed, and to the several Owners and Proprietors of the said Messuages, Cottages, Orchards, and ancient Inclosures, so respectively subject or liable to the Payment of Tythes as aforesaid, as they the said Commissioners shall think a full Satisfaction and Compensation to the said *Robert Kirkham* and his Successors, Rectors as aforesaid, as well of and for all the Tythes of Corn and Grain,

Allotment in lieu of Tythes of Cottages and ancient Inclosures.

as also of and for all other Tythes whatsoever, due and payable to and them, as well for or in respect of any Lands and Grounds in the common Fields and commonable Lands, and other the Premises, so intended to be inclosed as aforesaid, as for or in respect of the said antient Mesuages, Cottages, Orchards, Gardens, and old Inclosures as aforesaid.

Not to exact
Tythes or
Dues from
Persons hav-
ing no Pro-
perty in the
inclosed
Lands ;

nor Small
Tythes.

For setting
out Roads.

Provided always, That nothing in this Act contained shall decrease, lessen, or prejudice, the Right or Title of the said *Robert Kirkham*, or his Successors, of, in, or to any Tythes, or other Dues or Duties, arising within or payable for or in respect of any Lands or Premises, within the said Manor of *Snowhill*, the Proprietors whereof have no Lands, Grounds, Common Right, or other Property, in the said common Fields, Grounds, and Premises, intended to be inclosed, or defeat, lessen, or prejudice, or their Right and Title to any Oblations, Mortuaries, *Easter Offerings*, or Surplice Fees, arising within the said Manor, but the same, and every of them, shall remain due and payable to the said *Robert Kirkham* and his Successors, in the same manner as before the making and passing this Act.

And it is hereby further Enacted and Declared, That the Commissioners and their Successors, or any Five or more of them, may, and are hereby authorized and required, to ascertain, set out, and appoint, both public and private Roads or Ways, Ditches, Drains, and Watercourses, through the new Inclosures and Allotments so to be made as aforesaid, with the Assizes and Breadths thereof, so as such public Roads and Highways (except Bridle or Footways, in case any such shall be by the said Commissioners set out), shall be and remain Forty Feet broad at the least between the Ditches; and that the said public Roads and Highways shall, at all Times for ever then after, be repaired and kept in Repair, by and at the Expence of the several Inhabitants within the Manor of *Snowhill* aforesaid, or of such Person or Persons as the said Commissioners or their Successors, or any Five or more of them, shall appoint in such manner as the other Roads and Ways within the said Manor were repaired and kept before the passing this Act, and as by the Laws of the Realm the same ought to be repaired and kept; and that it shall not be lawful for any Person or Persons, after making such new Roads or Ways, to use any Roads or Ways, either publick or private, over the said new Inclosures on Foot, or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be so ascertained, set out, and appointed as aforesaid.

Disposing of
the Herbage
of the Lanes,
&c.

Provided always, and it is hereby Enacted, That all the Grass and Herbage growing and renewing in and upon all and every the Lanes and publick Roads, so to be set out and appointed as aforesaid, shall be, and for ever remain, to and for the Use, Benefit, and Advantage, of such Person and Persons, as the said Commissioners or their Successors, or any Five or more of them, shall award, order, direct, and appoint.

And it is hereby further Enacted and Declared, That all the Hedges, Ditches, Mounds, and Fences, to be made for the inclosing, separating, and dividing, the said common Fields, common Lands, Grounds, and Premises, pursuant to this Act, as also all the said Drains and Water-courses through the said new Inclosures, shall be made, and at all Times hereafter repaired, cleaned, and maintained, by such Person and Persons, and in such Manner, as the said Commissioners and their Successors, or any five or more of them, shall, in and by their Award to be made in pursuance of this Act in that Behalf, order, direct, or appoint; which Order and Determination shall be binding and conclusive to and upon the several Parties interested in and intitled to such Shares and Allotments as aforesaid.

How Fences
are to be
maintained.

And, for preventing all Differences and Disputes relating to the said Inclosure and Division, **Be it further Enacted**, by the Authority aforesaid, That, as soon as conveniently may be after the said Commissioners shall have completed and finished such Division and Allotments of the said common Fields, Meadows, and common Hill, and other the Premises hereby directed to be divided and inclosed as aforesaid, they or their Successors, or any Five or more of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument, in Writing, which shall express and contain the Quantity, in Statute Measure, of Acres, Roods, and Aunes, contained in the said common Fields, Meadows, and common Hill, and other the Premises, so intended to be inclosed as aforesaid, and the Quantity of each and every Part and Parcel thereof, which shall be assigned and allotted to each of the Parties intitled to and interested in the same, and a Description of the Situation, Buitals, and Boundaries thereof, and of every of them; and shall also contain proper Orders and Directions for fencing and mounding the said several Allotments, and for keeping the said Mounds and Fences in Repair, and also for making and laying out proper Roads, Ways, and Passages, in and through the same Premises; and also shall express and contain such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act; which said Instrument shall be fairly ingrossed and written on Parchment, and signed and sealed by the said Commissioners, and their Successors, or any Five or more of them, and shall, within Twelve Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled with the Clerk of the Peace for the County of Gloucester, to the end that all Persons interested in the said intended Inclosure may have Recourse thereto (for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, and no more); and a Copy thereof, when so inrolled as aforesaid, shall be by the Clerk of the Peace for the said County (for which no more shall be paid than Two Pence *per* Sheet, each Sheet to contain Seventy-two Words), shall at all Times then after be admitted and allowed as legal Evidence in all Courts whatsoever; and the several Allotments, Partitions, and Divisions, so made by the said Commissioners and their Successors, or any Five or more of them, in and by such Award or Instrument

Award to be
made.

ment

ment in Writing, so executed and inrolled as aforesaid, shall be, and are hereby declared to be, binding and conclusive unto and upon all and every the several Parties, so interested in the said Premises so directed to be divided and inclosed as aforesaid.

For fencing
the several
Allotments.

And it is hereby further Enacted, That when the said common Fields, Meadows, common Hill, and Premises, hereby directed to be inclosed, shall be divided and allotted by the said Commissioners or their Successors, or any Five or more of them, by such Award or Instrument, in Writing, as aforesaid, the several Parcels of Lands and Grounds so to be allotted respectively, shall, within Twelve Calendar Months next after the signing and sealing the said Award or Instrument, in Writing, be inclosed, hedged, ditched, drained, and fenced, in such manner as the said Commissioners, or their Successors, or any Five or more of them, shall in such their Award order and direct.

Gaps to be
left.

Provided always, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of Twelve Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages, in and through the same.

Gates and
Rails may be
set up.

Provided also, That the Proprietors of the Inclosures to be made by virtue of this Act, shall have full Liberty, at all Times after the making the said Award as aforesaid, to erect or set up, and keep, any Gate or Gate across any Part or Parts of the Roads or Ways to be made through or against his, her, or their Lands, for keeping out Sheep and Cattle, and for preventing their destroying or injuring any Bars, Plants, Quicksetts, or Fences, which shall be made or planted, for the inclosing any Part or Parcel of the said new Inclosures, in pursuance of this Act; and also to erect, set up, or fix up, Posts, Rails, or other Fences, on the outside of the Ditches which shall belong to their respective Allotments, not exceeding Four Feet from such Ditches, for the Preservation of their Quickset Hedges, doing no wilful Hurt or Damage to standing Corn or growing Grass.

Allotments to
be in bar of
Tythes or
Common
Right.

And it is hereby further Enacted, by the Authority aforesaid, That the several Lands and Grounds which shall be assigned, set out, allotted, and appointed, unto and for the several Persons, who by virtue of this Act shall be intitled to the same, shall be in full Bar of, and in Satisfaction and Compensation for, their several and respective Pieces and Parcels of Ground, which, before the passing this Act, were and are lying dispersed in the said common Fields and common Grounds, within the Manor of *Snowhill* aforesaid, and also in full Bar of, and in Satisfaction and Compensation for, their several and respective Tythes, Right of Common, and other Rights and Properties whatsoever, in, over, and upon, the said common Fields, Meadows, and common Hill, and other the Premises respectively, before the passing of this Act; and from and immediately after the making the said Divisions and Allotments, and Execution of the said Award or Instrument, of such Tenor and Purport as aforesaid-mentioned,

the Right of Common belonging to or claimed by all and every the Owners, Proprietors, or Occupiers of Lands, Tenements, or other Hereditaments, within the said Manor, in, over, and upon, the said common Fields, Meadows, common Hill, and every Part thereof, and all Tythes whatsoever, payable for or in respect of the Lands and Grounds hereby directed and intended to be inclosed, and also all Vicarial or other small Tythes, Dues, and Duties, payable for and in respect of the said ancient Messuages, Cottages, or Tenements, Orchards, Gardens, and ancient inclosures, shall cease, determine, and be for ever extinguished.

And it is hereby further Enacted, by the Authority aforesaid, That for the more convenient Situation and Disposition of the several Farms and Lands of the said Proprietors, within the said Manor, upon the said intended Division, it shall and may be lawful to and for the said Commissioners and their Successors, or any Five or more of them, and they are hereby authorized and empowered to assign, allot, set out, and appoint, any Part or Parcel of ancient inclosed Land or Ground, lying within the said Manor, which belong to any of the Owners or Proprietors of Land or Ground lying in the said common Fields, in lieu of, and in Exchange for, any other Land and Ground lying in the said common Fields or Premises, so intended to be inclosed as aforesaid, or in lieu of or for any other old inclosed Grounds within the said Manor, so as all and every such Exchange and Exchanges, to be made as aforesaid, be ascertained, specified, and declared, in the Award or Instrument so directed to be made and executed as aforesaid; and all and every Exchange and Exchanges, so to be made as aforesaid, shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever.

Ancient Inclosures to be allotted for Convenience of Situation.

Provided always, That nothing in this Act contained shall extend to revoke, make void, annul, or alter, any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance, out of, upon, or affecting, any of the Lands and Premises so intended to be divided and inclosed, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively; but that the several Lands and Premises, so to be assigned and allotted, upon such Inclosure and Division, to the several Parties concerned, and their Trustees respectively, and which shall be taken in Exchange, in pursuance of this Act, shall, immediately after such Allotments or Exchanges, be, remain, and endure, and the several Persons, to whom the same shall be assigned and allotted, and given in Exchange as aforesaid, shall from thenceforth stand and be seised thereof, to, for, and upon, such and the same Uses, Trusts, and Estates, and subject to such and the same Wills, Settlements, Limitations, Remainders, Leases, Charges, and Incumbrances, as the several Lands, Grounds, Tythes, Tenements, Right of Common, and Hereditaments, in lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are or would have been subject and liable to be charged with, or affected by, in case the same had remained uninclosed and unexchanged, or this Act had not been made.

Not to alter any Will or Settlement.

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And

For choosing
new Com-
missioners.

And it is hereby further Enacted, That when and as often as any of the Commissioners appointed by this Act, or to be elected in manner herein after-mentioned, shall die or refuse to act, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, and they are hereby required, from time to time, within Three Calendar Months next after such Death or Refusal to act as aforesaid, or as soon after as Occasion may require, by Writing under their Hands and Seals to appoint one other Person, not interested in the said intended Inclosure to be a Commissioner in the room of the Commissioner so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Appointment shall be given in the Church or Chapel of *Snowhill* aforesaid at least Fourteen Days before every such Meeting; and every such Commissioner, so to be appointed, shall be joined with such surviving or remaining Commissioners, and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, as if such Person had been particularly appointed a Commissioner by this Act.

How the Ex-
pences of the
Act are to be
defrayed.

And it is hereby further Enacted, That the Charges and Expences incident to and attending the obtaining and passing this Act, and of the surveying, measuring, dividing, and allotting the Lands, Grounds, and Premises, so intended to be inclosed as aforesaid, and of preparing and enrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Expences in and about the Premises, shall be paid, borne, and defrayed, by the Owners and Proprietors, and Persons interested of and in the said Lands, Grounds, and Premises, so intended to be inclosed, and the Tythes thereof, in Proportion to their respective Shares, Interests, and Properties therein; and that in any Disputes shall arise concerning any Share or Proportion of such Charges or Expences, the same shall be settled by the said Commissioners or their Successors, or any Five or more of them; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share of such Charges or Expences, within the Time to be limited by the said Commissioners, or any Five or more of them, to such Person or Persons whom they shall appoint to receive the same, then the said Commissioners, or any Five or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Distresses, or otherwise it shall and may be lawful for the said Commissioners and their Successors, or any Five or more of them, to enter into and upon the Premises, so to be allotted, to such Person and Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Costs and Charges, so to be directed, awarded, and appointed by the said Commissioners to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences, occasioned by or attend-

attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall be fully paid and satisfied.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any Five or more of them, do and shall cause public Notice to be given of the Time and Place of each and every Meeting of the said Commissioners, for the Execution of the Powers hereby vested in them (Meetings by Adjournment only excepted), in the Church or Chapel of *Snowhill* aforesaid, upon some *Sunday* Morning immediately after Divine Service, at least Fourteen Days before the Times of their respective Meetings.

Notice to be given of Commissioners Meeting.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained shall bar, defeat, lessen, or prejudice, any Right, Title, or Interest whatsoever, which the said *Samuel Blackwell*, his Heirs or Assigns, as Lord of the said Manor of *Snowhill*, shall or may have or claim in or to the Seigniories and Royalties incident or belonging to the same Manor; but that the said *Samuel Blackwell*, and all and every other future Lord or Lords of the said Manor, for the Time being, shall and may, from time to time, and at all times hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Royalties, Rights, and Privileges, to the said Manor incident, appendant, belonging, or appertaining (other than and except the Right to the Soil and Inheritance of such Parcels of the said common Hill called *Snowhill Hill* aforesaid, as shall be allotted to the several other Proprietors and Persons interested in pursuance of this Act, and also except such Right of Common as can or might be claimed by the Lord or Lords of the said Manor upon the said common Fields, Meadows, and common Hill, and other the Premises so to be divided and inclosed as aforesaid), in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might have held or enjoyed the same before the passing this Act; or in case the same had not been passed.

Not to defeat the Lord of the Manor's Right.

Saving always to the KING's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons whomsoever, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except the said *Samuel Blackwell*, *Robert Kirkham*, *Arthur Lord Viscount Sudley*, and the several other Persons intitled to any Lands, Meadows, Grounds, Tythes, Common of Pasture, or other Common Right, either in Possession, Reversion, Remainder, or by way of future Interest; lying, being, and arising, within the said common Fields, common Meadows, common Hill, and Premises, so directed to be inclosed as aforesaid, and his, her, and their respective Heirs, Successors, Executors, and Administrators); All such Estate, Right, Title, Interest, and Claims, as they, or any or either of them, had and enjoyed, of, in, to, or out of, the said Lands and Premises hereby directed to be inclosed as aforesaid, before the Passing this Act, or could or might have had or enjoyed, in case the same had never been passed.

General Saving.

A C T

F O R

Dividing and Inclosing certain common Fields and common Meadows, and a common Hill called Snowhill Hill, lying within the Manor of Snowhill, in the County of Gloucester.